

## **Historic, archived document**

Do not assume content reflects current scientific knowledge, policies, or practices.



Issued September 3, 1908.

# United States Department of Agriculture,

BUREAU OF BIOLOGICAL SURVEY—Circular No. 66.

C. HART MERRIAM, Chief of Bureau.

---

## THE ALASKA GAME LAW AND REGULATIONS OF THE DEPARTMENT OF AGRICULTURE, 1908.

The first comprehensive law for the protection of game in Alaska was the act of June 2, 1902 (32 Stat. L., 327). Under this act regulations were promulgated by the Secretary of Agriculture to take effect October 1, 1903, imposing local restrictions for the protection of caribou and walrus, modifying the seasons for waterfowl in certain localities, and prescribing rules for the shipment of trophies, specimens for scientific purposes, and live animals and birds for exhibition or propagation. In 1904 the regulations were amended by establishing three game districts, modifying the seasons for certain kinds of game, and prohibiting the use of dogs in hunting deer, moose, or caribou.

### THE NEW LAW.

The Sixtieth Congress made important amendments to the original law. Under the new law (Stat. 60th Congress, 102), approved May 11, 1908, Alaska is divided at latitude 62° into two game districts, with special seasons for each district; caribou on the Kenai peninsula are protected until 1912; nonresidents hunting big game other than deer or goats, and residents desiring to export heads or hides of big game from Alaska are required to obtain licenses; authorization is also given for the employment of wardens and registration of guides. All matters relating to the issue of licenses, employment of wardens, and the registration of guides are placed in charge of the governor of Alaska. Hereafter all correspondence on these subjects or concerning the shipment of heads or trophies should be addressed to the governor of Alaska, Juneau, Alaska. The Department of Agriculture will continue as heretofore to issue permits for the collection and shipment of specimens for scientific purposes and for live animals and birds for exhibition or propagation. Correspondence relating to these matters should be addressed to the Secretary of Agriculture, Washington, D. C.

The law as now amended reads as follows:

TEXT OF THE ACT.

[Stat. 60th Congress, 102.]

AN ACT To amend an Act entitled "An Act for the protection of game in Alaska, and for other purposes," approved June seventh, nineteen hundred and two.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an Act entitled "An Act for the protection of game in Alaska, and for other purposes," approved June seventh, nineteen hundred and two, be amended to read as follows:

"From and after the passage of this Act the wanton destruction of wild game animals or wild birds, except eagles, ravens, and cormorants, the destruction of nests and eggs of such birds, or the killing of any wild birds, other than game birds, except eagles, for the purposes of selling the same or the skins or any part thereof, except as herein-after provided, is hereby prohibited.

**"Game defined.**—The term 'game animals' shall include deer, moose, caribou, mountain sheep, mountain goats, brown bear, sea lions, and walrus. The term 'game birds' shall include water fowl, commonly known as ducks, geese, brant, and swans; shore birds, commonly known as plover, snipe, and curlew, and the several species of grouse and ptarmigan.

**"Exemptions.**—Nothing in this Act shall affect any law now in force in Alaska relating to the fur seal, sea otter, or any fur-bearing animal or prevent the killing of any game animal or bird for food or clothing at any time by natives, or by miners or explorers, when in need of food; but the game animals or birds so killed during close season shall not be shipped or sold.

**"SEC. 2. Season.**—That it shall be unlawful for any person in Alaska to kill any wild game animals or birds, except during the season hereinafter provided: North of latitude sixty-two degrees, brown bear may be killed at any time; moose, caribou, sheep, walrus, and sea lions from August first to December tenth, both inclusive; south of latitude sixty-two degrees, moose, caribou, and mountain sheep from August twentieth to December thirty-first, both inclusive; brown bear from October first to July first, both inclusive; deer and mountain goats from April first to February first, both inclusive; grouse, ptarmigan, shore birds, and waterfowl from September first to March first, both inclusive: *Provided*, That no caribou shall be killed on the Kenai peninsula before August twentieth, nineteen hundred and twelve: *And provided further*, That the Secretary of Agriculture is hereby authorized, whenever he shall deem it necessary for the preservation of game animals or birds, to make and publish rules and regulations prohibiting the sale of any game in any locality modifying the close seasons hereinbefore established, providing different close seasons for different parts of Alaska, placing further restrictions and limitations on the killing of such animals or birds in any given locality, or

prohibiting killing entirely for a period not exceeding two years in such locality.

**"SEC. 3. Number.—**That it shall be unlawful for any person to kill any female or yearling moose or for any one person to kill in any one year more than the number specified of each of the following animals: Two moose, one walrus or sea lion, three caribou, three mountain sheep, three brown bear, or to kill or have in his possession in any one day more than twenty-five grouse or ptarmigan or twenty-five shore birds or waterfowl.

**"Guns and boats.—**That it shall be unlawful for any person at any time to hunt with dogs any of the game animals specified in this Act; to use a shotgun larger than number ten gauge, or any gun other than that which can be fired from the shoulder; or to use steam launches or any boats other than those propelled by oars or paddles in the pursuit of game animals or birds.

**"SEC. 4. Sale.—**That it shall be unlawful for any person or persons at any time to sell or offer for sale any hides, skins, or heads of any game animals or game birds in Alaska, or to sell, offer for sale, or purchase, or offer to purchase, any game animals or game birds, or parts thereof, during the time when the killing of such animals or birds is prohibited: *Provided*, That it shall be lawful for dealers having in possession game animals or game birds legally killed during the open season to dispose of the same within fifteen days after the close of said season.

**"SEC. 5. Licenses.—**That it shall be unlawful for any nonresident of Alaska to hunt any of the game animals protected by this Act, except deer and goats, without first obtaining a hunting license, or to hunt on the Kenai peninsula without a registered guide, and such license shall not be transferable and shall be valid only during the calendar year in which issued. Each applicant shall pay a fee of one hundred dollars for such license, unless he be a citizen of the United States, in which case he shall pay a fee of fifty dollars. Each license shall be accompanied by coupons authorizing the shipment of two moose if killed north of latitude sixty-two degrees, four deer, three caribou, three mountain sheep, three goats, and three brown bear, or any part of said animals, but no more of any one kind.

"A resident of Alaska desiring to export heads or trophies of any of the game animals mentioned in this Act shall first obtain a shipping license, for which he shall pay a fee of forty dollars, permitting the shipment of heads or trophies of one moose, if killed north of latitude sixty-two degrees, four deer, two caribou, two sheep, two goats, and two brown bear, but no more of any one kind; or a shipping license, for which he shall pay a fee of ten dollars, permitting the shipment of a single head or trophy of caribou or sheep; or a shipping license, for which he shall pay a fee of five dollars, permitting the shipment of a single head or trophy of any goat, deer, or brown bear. Any person wishing to ship moose killed south of latitude sixty-two degrees must first obtain a special shipping license, for which he shall pay a fee of one hundred and fifty dollars, permitting the shipment of one moose, or any part thereof. Not more than one general license and two special moose licenses shall be issued to any one person in one year: *Provided*, That before any trophy shall be shipped from Alaska under the pro-

visions of this Act the person desiring to make such shipment shall first make and file with the customs office at the port where such shipment is to be made an affidavit to the effect that he has not violated any of the provisions of this Act; that the trophy which he desires to ship has not been bought or purchased and has not been sold and is not being shipped for the purpose of being sold, and that he is the owner of the trophy which he desires to ship, and if the trophy is that of moose, whether the animal from which it was taken was killed north or south of latitude sixty-two degrees: *Provided further*, That any resident of Alaska prior to September first, nineteen hundred and eight, may without permit or license ship any head or trophy of any of the game animals herein mentioned upon filing an affidavit with the customs office at the port where such shipment is to be made that the animal from which said head or trophy was taken was killed prior to the passage of this Act. Any affidavit required by the provisions of this Act may be subscribed and sworn to before any customs officer or before any officer competent to administer an oath.

"The governor of Alaska is hereby authorized to issue licenses for hunting and shipping big game. On issuing a license he shall require the applicant to state whether the heads or trophies to be obtained or shipped under said license will pass through the ports of entry at Seattle, Washington, Portland, Oregon, or San Francisco, California, and he shall forthwith notify the collector of customs at the proper port of entry as to the name of the holder of the license and the name and address of the consignee. All proceeds from licenses, except one dollar from each fee, which shall be retained by the clerk issuing the license to cover the cost of printing and issue, shall be paid into the Treasury of the United States as miscellaneous receipts; the amount necessary for the enforcement of this Act shall be estimated for annually by the Agricultural Department and appropriated for including the employment and salaries to be paid to game wardens herein authorized. And the governor shall annually make a detailed and itemized report to the Secretary of Agriculture, in which he shall state the number and kind of licenses issued, the money received, which report shall also include a full statement of all trophies exported and all animals and birds exported for any purpose.

"And the governor of Alaska is further authorized to employ game wardens, to make regulations for the registration and employment of guides, and fix the rates for licensing guides and rates of compensation for guiding. Every person applying for a guide license shall, at the time of making such application, make and file with the person issuing such license an affidavit to the effect that he will obey all the conditions of this Act and of the regulations thereunder, that he will not violate any of the game laws or regulations of Alaska, and that he will report all violations of such laws and regulations that come to his knowledge. Any American citizen or native of Alaska, of good character, upon compliance with the requirements of this Act, shall be entitled to a guide license. Any guide who shall fail or refuse to report any violation of this Act, or who shall himself violate any of the provisions of this Act, shall have his license revoked, and in addition shall be liable to the penalty provided in section seven of this Act, and shall be ineligible to act as guide for a period of five years from the date of conviction.

"SEC. 6. That it shall be unlawful for any persons, firm, or corporation, or their officers or agents, to deliver to any common carrier, or for the owner, agent, or master of any vessel, or for any other person, to receive for shipment or have in possession with intent to ship out of Alaska, any wild birds, except eagles, or parts thereof, or any heads, hides, or carcasses of brown bear, caribou, deer, moose, mountain sheep, or mountain goats, or parts thereof, unless said heads, hides, or carcasses are accompanied by the required license or coupon and by a copy of the affidavit required by section five of this Act: *Provided*, That nothing in this Act shall be construed to prevent the collection of specimens for scientific purposes, the capture or shipment of live animals and birds for exhibition or propagation, or the export from Alaska of specimens under permit from the Secretary of Agriculture, and under such restrictions and limitations as he may prescribe and publish.

"It shall be the duty of the collector of customs at Seattle, Portland, and San Francisco to keep strict account of all consignments of game animals received from Alaska, and no consignment of game shall be entered until due notice thereof has been received from the governor of Alaska or the Secretary of Agriculture, and found to agree with the name and address on the shipment. In case consignments arrive without licenses they shall be detained for sixty days, and if a license be not then produced said consignments shall be forfeited to the United States and shall be delivered by the collector of customs to the United States marshal of the district for such disposition as the court may direct.

"SEC. 7. **Penalties.**—That any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit to the United States all game or birds in his possession, and all guns, traps, nets, or boats used in killing or capturing said game or birds, and shall be punished for each offense by a fine of not more than two hundred dollars or imprisonment not more than three months, or by both such fine and imprisonment, in the discretion of the court. Any person making any false or untrue statements in any affidavit required by this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit to the United States all trophies in his possession, and shall be punished by a fine in any sum not more than two hundred dollars or imprisonment not more than three months, or by both such fine and imprisonment, in the discretion of the court.

"**Enforcement.**—It is hereby made the duty of all marshals and deputy marshals, collectors or deputy collectors of customs, all officers of revenue cutters, and all game wardens to assist in the enforcement of this Act. Any marshal, deputy marshal, or warden in or out of Alaska may arrest without warrant any person found violating any of the provisions of this Act or any of the regulations herein provided, and may seize any game, birds, or hides, and any traps, nets, guns, boats, or other paraphernalia used in the capture of such game or birds and found in the possession of said person in or out of Alaska and any collector or deputy collector of customs, or warden, or licensed guide, or any person authorized in writing by a marshal shall have the power above provided to arrest persons found violating this Act or said regulations and seize said property without warrant to

keep and deliver the same to a marshal or a deputy marshal. It shall be the duty of the Secretary of the Treasury, upon request of the governor or Secretary of Agriculture, to aid in carrying out the provisions of this Act.

"SEC. 8. That all Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed."

Approved, May 11, 1908.

#### REGULATIONS OF THE DEPARTMENT OF AGRICULTURE.

In accordance with the proviso in section 6 of the foregoing act, authorizing the Secretary of Agriculture to prescribe restrictions and limitations governing the collection and shipment of specimens for scientific purposes, and of live animals and birds for exhibition or propagation, the following regulations are hereby prescribed to take effect October 1, 1908:

##### 1. PERMITS.

Hereafter the Department of Agriculture will not issue permits for the shipment of trophies, including heads or hides of game animals, since the new law requires that such trophies be shipped under regular hunting or shipping licenses issued by the governor of Alaska. Persons desiring to collect specimens of mammals, birds, nests, or eggs in Alaska for scientific purposes must satisfy the Department that the specimens are intended for such purposes before permits will be issued, and must forward with the permit, to the collector of customs at Seattle, Portland, or San Francisco, a list showing the number of each kind of game collected under said permit before the specimens will be released from the custom-house. If several shipments are made under one permit the permit should accompany the first consignment and a list of the game contained in each shipment mailed to the collector of customs at the time of such shipment. Permits will be issued only to regular representatives of public museums, or, under exceptional circumstances, to persons who are known to be making special investigations.

Persons desiring to ship live animals or birds should obtain permits sufficiently in advance of shipment to avoid any delay when the consignments reach the custom-house.

Applicants should be careful to state in each case the region where specimens are to be collected and the probable port and date of shipment. All permits will expire on December 31 of the year of issue, but consignments actually shipped before such expiration may be admitted upon arrival at Seattle, Portland, or San Francisco.

##### 2. SPECIMENS FOR SCIENTIFIC PURPOSES.

Packages containing specimens for scientific purposes offered for shipment must be marked "Specimens for scientific purposes," or words to like effect, and must bear the shipper's name and address.

Inattention to these details will render packages subject to examination and detention by officers of the customs. Packages of specimens addressed to the U. S. Department of Agriculture, the Smithsonian Institution, or the U. S. National Museum, if properly marked, may be shipped without permit and without examination. Packages addressed to individuals, whether officers of Executive Departments or not, must be accompanied by permit.

### 3. LIVE ANIMALS AND BIRDS.

Live animals or birds for exhibition or propagation may be captured in close season under permit only, and shipments must be accompanied by permits except as stated in Regulation 4. Consignments offered for shipment without permit will not be refused transportation, but may be forwarded to Seattle, Portland, or San Francisco and held there at owner's risk and expense until permits are obtained.

### 4. PARKS EXCEPTED.

Live animals (not exceeding 10 in one consignment) and live birds (not exceeding 25 in one consignment) may be shipped *without permit* to the following public zoological parks, if shipped directly to said parks and not to some agent:

Golden Gate Park, San Francisco.

Lincoln Park, Chicago.

Menagerie of Central Park, New York.

National Zoological Park, Washington.

New York Zoological Society, New York City.

Zoological Society, Philadelphia.

Consignments for these parks which exceed the above-mentioned limits must be accompanied by regular permits in all cases.

### 5. RESERVED RIGHTS OF DEPARTMENT.

The Department expressly reserves the right to examine at Seattle, Portland, or San Francisco any or all specimens, live game animals, or game birds from Alaska, whether shipped as personal baggage or otherwise; to detain, if necessary, at said ports any consignment of game animals or birds or any part thereof not forwarded in conformity with these regulations, and to require the return of the same either to original port of shipment or their delivery to the United States marshal for disposition in accordance with the provisions of sections 6 and 7 of the act. Owners and masters of vessels will accept all consignments subject to these conditions. In case of return, all expenses of reshipment will be paid by the vessel transporting the goods from Alaska; and the master of said vessel must file at Seattle, Portland, or San Francisco a customs receipt for all goods returned to Alaska.

## 6. EXAMINATION OF SHIPMENTS.

Specimens or live animals and birds arriving at Seattle or San Francisco, not covered by permits or shipped contrary to these regulations, will be held for examination by officers of the customs, promptly reported, and released only upon instructions from the Treasury Department; provided that all goods not released within sixty (60) days after arrival shall be returned to the port of shipment (at the expense of the vessel bringing the same) for disposition in accordance with the provisions of sections 6 and 7 of the act.

All previous regulations and all special rulings of the Department in conflict with these regulations are hereby revoked.

Approved:

JAMES WILSON,

*Secretary of Agriculture.*

WASHINGTON, D. C., August 1, 1908.

[Cir. 66]